

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

STEVE GOLDSMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 22-CV-226-GLJ
)	
UNITED STATES,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, Steve Goldsmith (“Goldsmith”), for his complaint against the United States, alleges and states as follows:¹

JURISDICTION AND VENUE

1. Goldsmith is a Veteran pursuant to 38 U.S.C. § 101(2) and 38 C.F.R. § 3.1(d). Goldsmith resides in Tahlequah, Oklahoma.

2. The Department of Veterans Affairs (“VA”) - Veterans Health Administration (“VHA”), operates medical facilities that are mandated to provide medical treatment to veterans pursuant to its enabling act; codified as 38 U.S.C. §§ 7301 *et seq.*

3. The enabling act of the VHA contains 38 U.S.C. § 7316; expands the

¹Goldsmith has pending claims against the government in Goldsmith v. United States, Case No. 22-CV-36-JFH. This new Complaint alleges claims against VA staff members that ripened after additional notice to the Government.

Government Tort Claims Act, 28 U.S.C. §§ 1346 & 2672; to provide a Veteran with the right to file suit against the United States when an employee of the VA commits negligence or any other wrongful act.²

4. Jurisdiction over Goldsmith's claims is vested in this court under 28 U.S.C. §§ 1331 & 1346. Tahlequah is located in Cherokee County, which is in the Eastern District of Oklahoma. Accordingly, venue is appropriate in this court pursuant to 28 U.S.C. § 1402.

TORT CLAIM AGAINST THE GOVERNMENT

5. Goldsmith alleges that VA staff members committed defamation, slander and libel, when VA staff members from South Texas provided false information to a doctor at the Muskogee VA hospital; and, when the doctor at the Muskogee VA hospital entered false information into Goldsmith's Muskogee VA hospital file. Goldsmith describes that he is a 100% disabled Veteran, and the presence of those false entries in his medical file cause him to suffer conflicts with care givers who take care of his medical needs. As a consequence of the defamation, libel and slander from those VA staff members, Goldsmith has suffered embarrassment, humiliation and emotional anguish.

² In Ingram v. Faruque, 728 F.3d 1239 (10th Cir. 2013), the Tenth Circuit explained how Congress enlarged the scope of the Government Tort Claims Act to encompass claims against VA employees for any wrongful act committed at a VA healthcare facility.

6. Goldsmith alleges that VA staff members committed negligence. VA staff members owed Goldsmith a duty of ordinary care. Those VA staff members breached their duties when each failed to conduct a proper investigation before sending and receiving the false information about the presence of a Red Flag in Goldsmith's VA patient record. The VA's South Texas staff members were negligent for communicating false information, and the Muskogee VA staff member was negligent for approving red flag procedures in Oklahoma after receiving false information from Texas without investigating whether the information was correct.

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NOTICE OF CLAIM

7. On December 1, 2021, Goldsmith submitted his Standard Form 95 to make his claim against the United States, to allege that VA staff members committed the intentional tort of defamation including slander and libel, by providing false information to a doctor at the Muskogee VA hospital. Goldsmith also alleged the unintentional tort of negligence. Goldsmith described that the false information stated

he had a RED FLAG for behavior; however, after he appealed that red flag the (South Texas) Network director found no factual basis and the Chief of Staff had ordered the red flag be removed.

Goldsmith further stated that the presence of negative and untrue information from Texas, that wrongfully got put into his health record at the Muskogee VA hospital, created conflict with care givers who take of him at the Muskogee VA hospital. He is a 100% disabled Veteran, and he relies on those care givers to take care of him. When false statements were present for all to see it caused conflict with those care givers. Goldsmith's Standard Form 95 identified two practitioners, Christopher King, LCP and Dr. Jennifer Wood, PhD, from the South Texas Veterans Health Care System; and one practitioner, Dr. Beth Jeffries, PhD, from the Muskogee VA hospital.

8. On January 6, 2022, VA General Counsel's Office sent a letter to Goldsmith to acknowledge receipt of Goldsmith's tort claims.

9. On February 17, 2022, VA General Counsel's Office sent a letter to Goldsmith that denied Goldsmith's tort claims.

WHEREFORE, premises considered, Plaintiff Steve Goldsmith prays for judgment against the United States, as follows:

1. For the for the intentional and unintentional torts, damages of \$250,000;
and,
2. All additional relief that the Court deems just and equitable.

s/Robert C. Brown Jr.

Robert C. Brown Jr., OBA #21113

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